

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7690 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

OIL AND NATURAL GAS CORPORATION LTD

Versus

ASSISTANT JUDGE BARODA ACTING AS AN APPELLATE AUTHORITY

Appearance:

None present for Petitioner

MR SAMIR DAVE for Respondent No. 1

None present for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/02/99

ORAL JUDGEMENT

#. Under the impugned order dated 13.6.95, the appellate court, the Assistant Judge at Vadodara, in Regular Civil Appeal No.38 of 1995, filed under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, remanded the matter to the Estate Officer for fresh trial.

#. After going through the contents of the judgment, I do not find any illegality said to have been committed by the appellate court in remanding the matter to the Estate Officer for fresh trial. It is a case where the appellate court has only remanded the matter for fresh trial and to this order no exception can be made. Otherwise also, it will not cause any prejudice and injury to the petitioner. In this case the respondent No.3 has not been provided proper, reasonable and adequate opportunity to defend herself before competent authority. To provide an opportunity to defend herself the matter has been remanded back, to which no exception can be made. It is in fact and substance an order of remand and nothing finally has been decided by the court below in the matter.

#. As a result of the discussion aforesaid, I do not find any merits in this special civil application. In the result, this special civil application fails and the same is dismissed but without any order as to costs. Rule discharged. Interim relief earlier granted by this Court stands vacated.

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[sunil]